



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

MAY 21 2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,488	01/08/2002	Sunggyu Lee	UA.283A	6103

7590  
George W. Moxon II, Esq.  
Roetzel & Andress  
222 South Main Street  
Akron, OH 44308



EXAMINER	
MULCAHY, PETER D	
ART UNIT	PAPER NUMBER
1713	

DATE MAILED: 05/19/2004

*Due 6/19/04*

Please find below and/or attached an Office communication concerning this application or proceeding.





## Office Action Summary

Application No.

10/042,488

Applicant(s)

LEE ET AL.

Examiner

Peter D. Mulcahy

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.


### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-13, drawn to a process of blending, classified in class 209, subclass 1+.
  - II. Claims 14-18, drawn to a powder coating, classified in class 524 subclass 428.
2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other and materially different product such as in adhesive or molding composition applications.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. A telephone call was made to Mr. Moxon on May 10, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

  
**PETER D. MULCAHY**  
**PRIMARY EXAMINER**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

SUNGGYU LEE, ET AL.

Serial No. 10/042,488

Filed January 8, 2002

For POLYMERIZATION, COMPATIBILIZED  
BLENDING, AND PARTICLE SIZE  
CONTROL OF POWDER COATINGS  
IN A SUPERCRITICAL FLUID

) Group Art Unit: 1713

) Examiner Peter D. Mulcahy

) Confirmation No. 6103

) **CERTIFICATE OF MAILING**

) I hereby certify that the following correspondence was  
) deposited with the United States Postal Service as first  
) class mail in an envelope addressed to: Commissioner  
) for Patents, P. O. Box 1450, Alexandria, VA 22313-  
) 1450, on June 3, 2004.

) Rebecca Daugintis  
) Rebecca Daugintis, sec'y to George W. Moxon II

**TRANSMITTAL SHEET**

Enclosed are the following documents:

Amendment in Response to Office Action

Copy of Office Action dated May 19, 2004

Return Receipt Postcard

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

The Director is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 50-0959 (089498-0283-DIV).

Respectfully submitted,

George W. Moxon II

George W. Moxon II, Reg. No. 26,615

Roetzel & Andress

222 South Main Street

Akron, Ohio 44308

Telephone: (330) 376-2700

Facsimile: (330) 376-4577

E-mail: gmoxon@ralaw.com

Attorney for Applicant(s)

June 3, 2004  
1175041\_1 / 089498-0283-DIV